

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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JUL 19 2013	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

UNITED STATES OF AMERICA

v.

Davin Daniels

CRIMINAL COMPLAINT
(REDACTED)

CASE NUMBER:

13-04226-M-001-PCT-MEA

I, James E Kraus, Jr., the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count 1

On or about July 16, 2013, in the District of Arizona, within the confines of the Navajo Indian Reservation, Indian Country, the defendant, Davin Daniels, an Indian (male), assaulted R.V., an Indian (female), resulting in serious bodily injury, resulting in subarachnoid hemorrhage to her brain, in violation of Title 18, United States Code, Sections 1153 and 113(a)(3).

Count 2

On or about July 16, 2013, in the District of Arizona, within the confines of the Navajo Indian Reservation, Indian Country, the defendant, Davin Daniels, an Indian (male), assaulted R.V., an Indian (female), an intimate partner or dating partner, by strangling, suffocating, or attempting to strangle or suffocate, by grabbing her neck and "choking" her until unconsciousness, in violation of Title 18, United States Code, Sections 1153 and 113(a)(8).

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this complaint is based on the following facts: **SEE ATTACHED AFFIDAVIT INCORPORATED HEREIN.**

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

REVEIWED BY: AUSA Adam K. Zickerman

James E. Kraus Jr., Special Agent, FBI
Complainant's Name and Title

July 19, 2013
Date

Mark E. Aspey, U.S. Magistrate Judge
Name & Title of Judicial Office

JCKJ 7-19-13
Complainant's Signature Date

Flagstaff, Arizona
City and State

Mark E. Aspey
Signature of Judicial Office

Redacted

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

AFFIDAVIT

The undersigned, being duly sworn, deposes and states as follows:

1. Your affiant, James E. Kraus, Jr., is a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and is currently assigned to the Flagstaff, Arizona Resident Agency of the Phoenix, Arizona FBI Division. In the course of his official duties, your affiant is charged with the investigation of crimes occurring on the Navajo Indian Reservation, within the Federal District of Arizona. In this regard, the following information was developed by your affiant and/or other agents and law enforcement officers in connection with the investigation of DAVIN DANIELS ("DAVIN"), a 43 year-old Navajo male; for violating Title 18, U.S.C. Sections 1153 and 113(a)(6), assault resulting in serious bodily injury; and, 18 U.S.C. Sections 1153 and 113(a)(8), assault of a spouse, intimate partner or dating partner by strangulation or suffocation or attempted strangulation or suffocation. Said violations occurred on or about July 16, 2013, within the interior of the Navajo Indian Reservation, in the District of Arizona.

2. On or about July 17, 2013, your Affiant received a telephone call from Navajo Nation Criminal Investigator Darlene James whom reported that R.V. was at Flagstaff Medical Center (FMC), receiving treatment for injuries from an assault that occurred on the Navajo Indian Reservation on July 16, 2013.

Redacted

3. On or about July 17, 2013, your Affiant interviewed R.V. at FMC. R.V. advised that on or about July 16, 2013, she was with her boyfriend, DAVIN DANIELS, in Holbrook Arizona. After doing laundry and going to Taco Bell in Holbrook, DAVIN and R.V. began to drive from Holbrook to R.V.'s residence near Cornfields, Arizona, on the Navajo Indian Reservation. DAVIN drank a bottle of whiskey, got jealous, and started to yell at R.V.. DAVIN was driving R.V.'s black, 2007 Impala. DAVIN spilled R.V.'s Dr. Pepper soda on R.V.. R.V. attempted to open the passenger door. DAVIN pulled over to the side of the road, approximately twenty miles north of Holbrook, Arizona, on Highway 87. R.V. got out of the car. DAVIN ran around the car and pushed R.V. to the ground. DAVIN grabbed R.V. from the ground and threw R.V. in the back seat of the car. DAVIN made numerous statements that R.V. was not going home and that they were both going to die. DAVIN got R.V. back in the vehicle and drove R.V. to a dirt road, east of Navajo Route 6, near Mile Post 3 or 4, on the Navajo Indian Reservation. DAVIN stopped the car, hit R.V. in the face with his fist, and asked what R.V. was doing when he was not home. DAVIN grabbed R.V. around the neck and was choking her. R.V. said she went unconscious when he was choking her. DAVIN struck R.V. in the face and head more than ten times with his hands. DAVIN choked R.V., placing his hands around her neck, for a second time, and she went temporarily unconscious. DAVIN pulled off her shoes and sweatpants. DAVIN grabbed R.V. again, as R.V. tried to crawl away from the vehicle. DAVIN kicked R.V. approximately three times in the ribs. R.V. rolled down the hill. DAVIN caught up with R.V. and punched her in the head with his fist another four times. DAVIN threw sand in R.V.'s face and

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mouth. DAVIN grabbed R.V. by her shirt and hair and drug her back to the car. R.V. was thrown back into the car and DAVIN DANIELS. drove toward Holbrook. DAVIN picked up then dropped off a hitchhiker near Holbrook. DAVIN stopped at the Hatch Liquor Store in Holbrook and told R.V. to go get him a bottle of liquor. R.V. went inside the liquor store and reported that DAVIN had assaulted her. The liquor store clerk called the police and locked the doors. DAVIN attempted to open the doors but they were locked. DAVIN left and the police arrived shortly thereafter. R.V. was transported to Winslow to receive medical attention. R.V. was then airlifted to FMC.

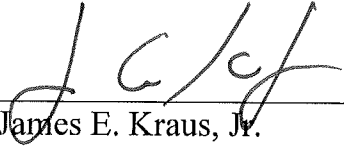
4. On or about July 19, 2013, FBI Special Agents Cheryn Priestino and John Anderson interviewed DAVIN at the Window Rock Jail in Window Rock, Arizona. DAVIN was read and waived his advice of rights. DAVIN stated that on or about July 16, 2013, DAVIN was with R.V. DAVIN said that he held R.V. up against a car with his left hand and choked R.V.. DAVIN was not sure for how long he choked R.V. DAVIN also stated that he hit R.V. at least two times with his hands/fists and kicked R.V. at least two times in the lower backside, while R.V. was on the ground.

5. ~~Your affiant received medical records from FMC in reference to R.V.'s~~
treatment on July 17, 2013. The medical records indicated that R.V. had unofficial fractures of the 5th and 6th ribs on the left side of her body. R.V. also had bruising to her face and lip and a broken middle finger. Her left upper incisor tooth was damaged. Medical reports further state that R.V. had a subarachnoid hemorrhage to her brain. Her voice, per medical records, was raspy and her throat was soar.

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6. The incident as described in paragraphs 2-5, infra, occurred within the boundaries of the Navajo Indian Reservation in the District of Arizona. Based upon the aforementioned information, your affiant believes that DAVIN DANIELS. has committed a violation of federal law, to wit: Title 18, U.S.C. Sections 1153 and 113(a)(6), assault resulting in serious bodily injury; and, 18 U.S.C. Sections 1153 and 113(a)(8), assault of a spouse, intimate partner or dating partner by strangulation or suffocation or attempted strangulation or suffocation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



James E. Kraus, Jr.
Special Agent
Federal Bureau of Investigation

Sworn and described to before me this 19 th day of July 2013.



Mark E. Aspey
United States Magistrate Judge